

## Guidelines for the Cornell University Faculty on Academic Integrity and Undue Foreign Influence

Dear Colleagues:

In recent months, several federal agencies, including the National Institutes of Health (NIH), the National Science Foundation (NSF), and the U.S. Departments of Defense (DoD) and Energy (DoE), have expressed growing concerns about foreign influence on the integrity of research conducted in or for U.S. institutions. Increased scrutiny of China's activities in the U.S. has been the main focus of this concern.

In response to these perceived threats from foreign governments, NIH published a [“Dear Colleagues” letter on August 20, 2018](#) which focused on potential threats to the integrity of U.S. biomedical research, including diversion of intellectual property in grant applications, sharing of confidential information from grant applications by NIH peer reviewers, and failure by some researchers working at NIH-funded institutions in the U.S. to disclose resources from other organizations. The DoD and DoE have expressed concerns about U.S. participation in “China’s Talent Programs”—Chinese government-sponsored programs with a goal to recruit and sponsor skilled scientists to advance China’s science and technology agenda. New policies and regulations are being promulgated by these agencies to ensure disclosure of U.S. participation in these programs.

It is important that this increased scrutiny over foreign activities in federally sponsored research does not result in a chilling effect on Cornell’s existing and future international collaborations and research. We do not condone threats to academic freedom or discrimination against any person based on ethnicity or national origin. As President Pollack affirmed in a [recent opinion piece](#), Cornell is an international university with a strong commitment to global engagement, an appreciation of intercultural differences, and a spirit of collaboration for mutual benefit. We are a diverse community of students, researchers, and faculty representing over 90 countries. International students are significant and valued members of the Cornell community. Visiting international scholars and those who host our own students and faculty abroad further enhance Cornell’s global reach.

This culture of openness and diversity is at the heart of what makes Cornell both excellent and distinctive, and it is critical to advancing research and scholarship. Cornell takes pride in its identity as a place of openness, where research is publicly presented and published without restriction, and where faculty members are free to pursue research of their choosing and have the right to choose individuals, including collaborators, with whom to work on research projects.

While our commitment to global engagement remains unchanged, there are certain steps that Cornell and other U.S. universities must take to ensure compliance with existing regulations and requirements and to promote transparency of research activities. Below, we provide guidance on required and recommended best practices for Cornell faculty and staff to help you understand and meet government expectations of compliance and transparency. We then describe the resources available on campus to help you build successful collaborations abroad.

The requirements, recommendations, and resources listed below apply to work with foreign collaborators generally, whether in Ithaca, New York City, or abroad. If you have any questions or would like to discuss this in person, please contact the relevant person as indicated on the websites for the office of the [vice provost for international affairs](#) (OVPIA) or the office of the [vice provost for research](#) (OVPR).

### **Required and Recommended Best Practices**

1) Disclosure of support: All current and pending support of your research endeavors, including all foreign-sourced support, must be disclosed in federally-funded applications, as required by the sponsor. The inclusion of a foreign component (e.g. subawards, consultants, and funded or unfunded collaborations with investigators located at a foreign site) in a project must also be disclosed in grant applications and reports. Click [here](#) to see NIH's definition of foreign component.

*Note:* Adding a foreign component to an existing award may require prior approval by the agency. For specific requirements, please refer to agency policy and your award document or contact your grant or contract officer in the Office of Sponsored Programs (OSP).

2) Disclosure of consulting activity: All time spent working for or consulting with foreign entities or institutions must be reported to the university regardless of whether such activity is conducted in your professional or personal capacity. [University policy](#) governs this activity, but individual consulting contracts are negotiated and executed by faculty in their personal capacity and do not go through the university system. Annual Conflict of Interest (COI) reports must

include the approximate number of days spent internationally in paid or unpaid engagements with foreign governmental bodies and/or foreign institutions of higher education, including affiliated academic teaching hospitals, medical centers, or research centers.

*Note:* Faculty should be aware of any U.S. and foreign legal or governmental restrictions on their personal consulting work, as they could encounter personal visa or tax issues, put Cornell at risk, and potentially forfeit intellectual property rights if they do not exercise care. Such activities (whether abroad or domestic) must comply with IP responsibilities as well as export controls and related external regulations. The OVPIA, in conjunction with the Office of University Counsel, will update this memo and circulate guidance regarding personal consulting work in China in the coming weeks.

3) Observing appropriate security precautions when traveling: In some cases, it is required to register university-related travel abroad; in all cases, it is best practice. The university has established a [travel registry](#) for all students, staff, and faculty to pre-register when they are traveling abroad. This registry helps the university to respond and assist in the event of individual or group emergencies. *All students, staff, and faculty traveling with students must register.* Any student and faculty/staff traveling with students to a [country designated as elevated-risk](#) will require pre-approval of their travel by Cornell's International Travel Advisory and Response Team (ITART). Failure to gain approval will result in Cornell funds being withdrawn from this activity.

*Note:* Disclosure of foreign travel may be required by funding or oversight agencies. All travel records must be maintained for a minimum of five years from the date of travel.

*Note:* Taking your laptop or mobile device when you travel significantly increases the possibility of data and identity theft. When traveling, especially to [high-risk countries](#), including China, consider following security [measures outlined by CIT](#). For example, you should avoid public Wi-Fi connections by bringing your own mobile hotspot. Faculty and executive staff may arrange to use loaner laptops and loaner handheld devices through the pilot [High-Risk Travel Loaner Program](#) while traveling. This program will be more widely available after the pilot phase.

4) When negotiating research collaborations with foreign entities, keep in mind these rules (for certain collaborations, these rules are required):

- All collaboration agreements (whether Memorandum of Agreement or sponsored agreement) include standard language to protect academic freedom, intellectual

property, and non-discrimination; this language is not negotiable (see the [templates](#) here and see below on MOAs).

- Use open-source software and ensure compliance with licensing terms if proprietary hardware will be required.
- Provide strong [data management plans](#) in your grants and contracts, as required; see the [Research Data Management Service Group](#) for specific questions.
- Work with the [Office of Sponsored Programs](#) (OSP) to sign a Non-Disclosure Agreement with collaborators if working on sensitive data or technology and be vigilant about unsupervised access to your laboratory or hardware.
- Do not allow unsolicited, unscheduled, or unsupervised on-site visits.

*Note:* Working with foreign collaborators on Cornell University grounds is often vital and productive to the research enterprise. If you are bringing a visitor to campus, whether a fellow scientist, student, or funder, make sure that you feel comfortable vouching for them on campus (depending on how well you know them, you may want to gather letters of recommendation or directly verify their CV, for example) and provide adequate supervision. If you have any concerns, see the section on “restricted party screening” below.

## **Resources Available on Campus**

Today’s most pressing and important research questions are global ones, and international collaboration is often key to rigorous research and impact. Therefore, to support our growing international portfolio while maintaining compliance and common-sense security measures, the university has expanded its infrastructure in the following ways:

1) [Formalizing Institutional Collaborations](#): Substantial collaborations with foreign universities or institutes (e.g., a student or scholarly exchange or unfunded research collaboration activities) should be formalized by establishing a Memorandum of Agreement (MOA) and appropriate Project Agreements. The OVPIA maintains an active, searchable [database of current and past Memoranda of Agreement](#) with foreign institutions; this database is open to all Cornell faculty and staff with their Net ID. Visit the [database](#) to create an MOA, which will then need to be signed by the appropriate college or university-level designee, as dictated by [Policy 4.2](#). Questions about the place-based specificities of international collaboration or collaborators can be addressed by the area and thematic experts affiliated with the [Mario Einaudi Center for International Studies](#).

*Note:* All MOAs require the protection of academic freedom and non-discrimination on the basis of “age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, or veteran status.”

2) Preparing Compliant Contracts and Grants: For externally sponsored research projects, OSP oversees international collaborations and funding. For other international contracts, please reach out to OVPIA’s [Global Operations](#) team at [globaloperations@cornell.edu](mailto:globaloperations@cornell.edu) or through the [Navigate website](#). International contracts are just one area of their expertise—they are also well versed in international human resources, tax, and other regulatory compliance concerns.

*Note:* Cornell is committed to maintaining compliance with the export control laws and regulations promulgated by the U.S. Department of Commerce, the U.S. Department of State, and the Office of Foreign Assets Control. Details regarding export control can be found on the [OSP website](#) or by contacting [exportcontrols@cornell.edu](mailto:exportcontrols@cornell.edu).

*Note:* Research and other contracts with international collaborators should be completed well ahead of any deadlines related to funding, commencement of work, or public announcements, as they are extremely complicated and will likely require significant time to process.

3) Intellectual Property: The Center for Technology Licensing (CTL) manages intellectual property (IP) in accordance with Cornell’s “[Inventions and Related Property Rights](#)” and “[Copyright](#)” policies. All Cornell inventions must be disclosed in writing to CTL. CTL evaluates and protects disclosed technologies with appropriate means, including patent applications filed in the U.S. and other countries. Export control personnel, CTL, OSP, and other relevant units together design and implement Technology Control Plans and non-disclosure agreements to protect IP and material transfer.

*Note:* CTL licenses technologies to corporate partners through license agreements. CTL works with export control personnel at Cornell to ensure the licensing practice complies and is consistent with U.S. export control laws.

4) Restricted Party Screening: Cornell University subscribes to a tool called “Visual Compliance” to check different entities for any restricted status. Visual Compliance screens against denied, restricted, and sanctioned parties watch lists published by the U.S. Departments of Commerce, State, and Treasury, as well as watch lists from law enforcement agencies, international foreign bodies, and foreign governments. If you have an entity or individual that you would like to screen, or you wish to obtain access to Visual Compliance, please contact Export Controls at [exportcontrols@cornell.edu](mailto:exportcontrols@cornell.edu).

5) Immigration: For advice and assistance with bringing international researchers and faculty to the U.S., see [International Services](#) in the Office of Global Learning.

Faculty traveling abroad on university business may require a specific type of entry visa to lawfully enter the country. Cornell's visa processing services vendor, [Travel Document Systems](#), can advise and process most types of visas, but are particularly helpful in applying for certain visas that can be especially challenging (e.g., China, Russia, Brazil).

6) University Oversight: The university has created an [International Council](#) made up of senior associate deans from each college, chaired by the vice provost for international affairs. This council meets monthly during the school year and provides advice, support, and oversight for international activities across the university. If you have a question, please reach out to the designate for your college, or to the vice provost.

*Note:* The International Council has a Committee on Ethical Engagement that provides advice and suggested guidelines for engaging with foreign collaborators in ethical ways that respect cultural differences and align with Cornell's core values. For questions on ethical engagement, please reach out to the designate for your college, or to the [vice provost for international affairs](#).

## **Conclusion**

Working, studying, and collaborating internationally offers benefits and opportunities, many of which are crucial to a world class university such as Cornell, but the landscape can be unpredictable and overwhelming. If you have any questions or doubts about how to proceed, please contact the office of the [vice provost for international affairs](#), the office of the [vice provost for research](#), or the [office of university counsel](#).

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